

REMARKS/ARGUMENTS

Preliminarily, the Applicants would like to thank the Examiner for the indication that the compound 5-[4-(2',4'-dimethoxybiphenyl-3-yloxy)-benzyl]-thiazolidine-2,4-dione is allowable. Accordingly, Applicants submit that new claim 30 is in condition for allowance. Similarly, for the reasons discussed in detail below, the claims that generically read on this compound are also in condition for allowance.

In addition, Applicants submit herewith a Terminal Disclaimer to overcome the nonstatutory double patenting rejection. Applicants have also amended Claims 1 and 3 to clarify the conditions upon which a stereocenter may exist. Support for the amendments to the claims may be found throughout the application as filed. Consequently, no new matter has been added as a result of these amendments.

Applicants would also like to thank the Examiner for bringing to our attention the concern with the definition of the ">" symbol. The applicants would like to clarify that the ">" symbol, when placed before the "NH" and "NR" groups, is meant to indicate two chemical bonds. For example, ">NH" is to be understood that the nitrogen bonded to a hydrogen may form two additional chemical bonds, typically with two other atoms.

Finally, with regards to the 35 USC § 112, first and second paragraph, rejection of claims 1, 3, and 25-29 and corresponding objection to the specification, Applicants respectfully traverse these rejections and objections for at least the following reason. Applicants submit that the specification provides considerable direction and guidance on how to practice the claimed invention and presents numerous working examples for not only the elected compound but several other compounds. In addition, the reactions and procedures, unless otherwise noted within the specification, are known to those skilled in the art. Accordingly, one of ordinary skill in the art would readily appreciate how to practice the claimed invention and it is, therefore, submitted that the claims, as pending, are in full compliance with 35 U.S.C. § 112, first and second paragraph.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

JONES DAY

By: 

Paul L. Sharer
Registration No. 36,004
Direct No. (202) 879-5481

PLS/DJK
Intellectual Property Group
51 Louisiana Ave, N.W.
Washington, D.C. 20001-2113
(202) 879-3939 Telephone
(202) 626-1700 Facsimile

Date: October 7, 2008

WAI-2895669v1